IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI JUSTICE N.V. RAMANA

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WRIT PETITION NO : 8201 of 1995

Between:

1 Jilla Venkatesham S/o. Jogaiah, r/o. Siddipet, Dist. Medak.
2 Jilla Kanakalakshmi W/o. Jilla Venkatesham
r/o. Siddipet, Dist. Medak.

..... PETITIONERS

AND

1 The Mandal Revenue Officer, Siddipet, Mandal, Dist. Medak.
Siddipet Mandal, Medak Dist.
2 The Revenue Divisional Officer, Siddipet, Dist. Medak. Medak.
3 The District Collector, Medak at Sangareddy. Medak at Sangareddy.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction declaring the action of the respondents herein in trying to interfere with petitioners peaceful possession and enjoyment of 1300 sq. yards bounded by North: Plot of Abdul Karim, and our plot, East: Open land of Syed Yakub and Syed Hanif (M. Rajaiah), South: Channel (Kalva) West: Municipal Road situate at Moinpura, Siddipet, Medak District and also the action of the respondents in trying to interfere with petitioners peaceful possession and enjoyment of 923 Sq.yards bounded by East :Vacant Land of Syed Akbar, West: House of Sharfuddin and vacant land of Khadija Begum, North:Road, South: Vacant

land of Syed Yakub, at Moinpura, Siddipet, Medak District and also the action of the respondents in trying to demolish the compound wall to the above said land and also house bearing No.12-3-184/1, Moinpura, Siddipet, Medak District and other structures raised in the said land as illegal, without authority of law, violative of principles of natural justice null and void, arbitrary, unreasonable and violative of the fundamental rights guaranteed to the petitioners under Articles 14 and 21 of the Constitution of India and also violative of the fundamental rights guaranteed under Art. 300-A of the Constitution of India and issue a consequential direction to the respondents herein not to interfere with petitioner's above said land and building, and structures and to demolish the compound wall, building and structures in the above said land

Counsel for the Petitioner: MR.M.RAJAMALLA REDDY

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following :

ORDER :

The petitioners, by way of this writ petition, seek to declare the action of the respondents in trying to interfere with their peaceful possession and enjoyment of 1300 sq. yards and 900 Sq. yards with specific boundaries and the action of respondents in trying to demolish the compound wall to the above said land and house bearing No.12-3-184/1 at Moinpura Siddepet and other structures raised in the said land as illegal and arbitrary and to issue a consequential direction to the respondents not to interfere with their possession on the above said lands and not to demolish the compound wall of the building and structures in the above said land.

The first respondent filed a counter affidavit. In the counter affidavit it has been stated by the 1st respondent i.e., the Mandal Revenue Officer, Siddipet, that

> " The petitioners have stated that pursuant to the notice issued under Section 7 of Land Encroachment Act, they have submitted their explanation and no orders since then are passed by the authority." "The apprehension of the petitioners that they will be evicted from their land in question **without following due procedure under law is incorrect and I reiterate that the Government will take possession after following due procedure under law."**

When the matter has come up, it is represented by both the counsel that the writ petition can be disposed of with a direction to the respondent authorities to pass appropriate final order on the explanation already submitted by the petitioners under Section 7 of the Land Encroachment Act, 1905.

In the circumstances, the writ petition is disposed of directing the respondents to pass appropriate final orders, after taking into consideration the explanation submitted by the petitioner to the notice issued under Section 7 of the Land Encroachment Act, 1905.

The writ petition is disposed of accordingly. No costs.

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N.V. RAMANA, J

Dt 3-11-2004

Kvrk

To

1 The Mandal Revenue Officer, Siddipet Mandal, Dist. Medak.
2 The Revenue Divisional Officer, Siddipet, Dist. Medak.
3 The District Collector, Medak at Sangareddy. .

4. Two CCs to GP for Revenue, High Court of A.P., Hyderabad(OUT).

5. Two CD copies.

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HON'BLE SRI JUSTICE N.V. RAMANA

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WRIT PETITION NO. 8201 OF 1995

3rd NOVEMBER 2004